

**RULES  
OF  
THE TENNESSEE BOARD OF REGENTS  
STATE UNIVERSITY AND COMMUNITY COLLEGE SYSTEM OF TENNESSEE**

**INSTITUTIONAL STUDENT DISCIPLINARY RULES**

**CHAPTER 0240-3-11  
JACKSON STATE COMMUNITY COLLEGE  
STUDENT DISCIPLINARY RULES**

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**0240-3-11-.01 INSTITUTION POLICY STATEMENT.**

- (1) College students are citizens of the State, local and national governments, and of the academic community, and are, therefore, expected to conduct themselves as law-abiding members of each community at all times. Admission to an institution of higher education carries with it special privileges and imposes special responsibilities apart from those rights and duties enjoyed by non-students. In recognition of the special relationship that exists between the institution and the academic community which it seeks to serve, the State Board of Regents has authorized the President of the College to take such action as may be necessary to maintain campus conditions and preserve the integrity of the institution and its educational environment.
- (2) Pursuant to this authorization, the College has developed the following regulations which are intended to govern student conduct on the campus. In addition, students are subject to all national, state and local laws and ordinances. If a student's violation of such laws or ordinances also adversely affects the institution's pursuit of its educational objectives, the institution may enforce its own regulations regardless of any proceedings instituted by other authorities. Conversely, violation of any section of these Regulations may subject a student to disciplinary measures by the institution whether or not such conduct is simultaneously violative of state, local or national laws.

**Authority:** T.C.A. §49-8-203. **Administrative History:** Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983.

**0240-3-11-.02 DISCIPLINARY OFFENSES.**

- (1) Generally, through appropriate due process procedures, institutional disciplinary measures shall be imposed for conduct which adversely affects the institution's pursuit of its educational objectives, which violates or shows a disregard for the rights of other members of the academic community, or which endangers property or persons on institution or institution-controlled property.
- (2) Individual or organizational misconduct which is subject to disciplinary sanction shall include but not be limited to the following examples:
  - (a) Conduct dangerous to others. Any conduct which constitutes a serious danger to any person's health, safety or personal well-being, including any physical abuse or immediate threat of abuse;

(Rule 0240-3-11-.02, continued)

- (b) Hazing. Hazing means any intentional or reckless act in Tennessee on or off the property of any higher education institution by one (1) student acting alone or with others which is directed against any other student, that endangers the mental or physical health or safety of that student, or which induces or coerces a student to endanger such student's mental or physical health or safety. Hazing does not include customary athletic events or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization.
- (c) Disorderly conduct. Any individual or group behavior which is abusive, obscene, lewd, indecent, violent, excessively noisy, disorderly, or which unreasonably disturbs other groups or individuals;
- (d) Obstruction of or interference with institutional activities or facilities. Any intentional interference with or obstruction of any institutional activity, program, event or facilities, including the following:
  - 1. Any unauthorized occupancy of institution or institutionally controlled facilities or blockage of access to or from such facilities.
  - 2. Interference with the right of any institution member or other authorized person to gain access to any institution or institutionally controlled activity, program, event or facilities.
  - 3. Any obstruction or delay of a campus security officer, fireman, or any institution official in the performance of his/her duty.
- (e) Misuse of or damage to property. Any act of misuse, vandalism, malicious or unwarranted damage or destruction, defacing, disfiguring or unauthorized use of property belonging to the institution including, but not limited to, fire alarms, fire equipment, elevators, telephones, institution keys, library materials and/or safety devices; and any such act against a member of the institution community or a guest of the institution;
- (f) Theft, misappropriation, or unauthorized sale. Any act of theft, misappropriation, or unauthorized possession or sale of institution property or any such act against a member of the institution community or a guest of the institution;
- (g) Misuse of documents or identifications cards. Any forgery, alteration of or unauthorized use of institution documents, forms, records or identification cards, including the giving of any false information, or withholding of necessary information, in connection with a student's admission, enrollment or status in the institution;
- (h) Firearms and other dangerous weapons. Any possession of or use of firearms or dangerous weapons of any kind;
- (i) Explosives, fireworks, and flammable materials. The unauthorized possession, ignition or detonation of any object or article which would cause damage by fire other means to persons or property or possession of any substance which could be considered to be and used as fireworks;
- (j) Alcoholic beverages. The use and/or possession of alcoholic beverages on college owned or controlled property;

(Rule 0240-3-11-.02, continued)

- (k) Drugs. The unlawful possession or use of any drug or controlled substance (including any stimulant, depressant, narcotic, hallucinogenic drug or substance, or marijuana), or sale or distribution of any such drug or controlled substance;
  - (l) Gambling. Gambling in any form;
  - (m) Financial irresponsibility. Failure to meet financial responsibilities to the institution promptly including, but not limited to, knowingly passing a worthless check or money order in payment to the institution or to a member of the institution community acting in an official capacity;
  - (n) Unacceptable conduct in hearings. Any conduct at an institutional hearing involving contemptuous, disrespectful, or disorderly behavior, or the giving of false testimony or other evidence at any hearing;
  - (o) Failure to cooperate with institutional officials. Failure to comply with directions of institutional officials acting in the performance of their duties;
  - (p) Violation of general rules and regulations. Any violation of the general rules and regulations of the institution as published in an official institutional publication, including the intentional failure to perform any required action or the intentional performance of any prohibited action;
  - (q) Attempts and aiding and abetting the commission of offenses. Any attempt to commit any of the foregoing offenses, or the aiding and abetting of the commission of any of the foregoing offenses (an "attempt" to commit an offense is defined as the intention to commit the offense coupled with the taking of some action toward its commission);
  - (r) Violations of state or federal laws. Any violation of state or federal laws or regulations proscribing conduct or establishing offenses, which laws and regulations are incorporated herein by reference.
- (3) Disciplinary action maybe taken against a student for violations of the foregoing Regulations which occur on institutionally owned, leased, or otherwise controlled property, or which occur off-campus when the conduct impairs, interferes with or obstructs any institutional activity or the missions, processes and functions of the institution. In addition, disciplinary action may be taken on the basis of any conduct, on or off-campus, which poses a substantial threat to persons or property within the institutional community.
- (4) For the purposes of these Regulations a "student" shall mean any person who is registered for study at the College for any academic period. A person shall be considered a student during any period which follows the end of an academic period which the student has completed until the last day for registration for the next succeeding regular academic period, and during any period while the student is under suspension from the institution.

**Authority:** T.C.A. §§49-7-123(a)(1) and 49-8-203. **Administrative History:** Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed July 3, 1996; effective November 28, 1996. Amendment filed November 20, 1996; effective March 28, 1997. Amendment filed November 26, 1997; effective March 30, 1998. Amendment filed February 18, 1999; effective June 28, 1999.

#### **0240-3-11-.03 ACADEMIC AND CLASSROOM MISCONDUCT.**

- (1) The instructor has the primary responsibility for control over classroom behavior and maintenance of academic integrity, and can order the temporary removal or exclusion from

(Rule 0240-3-11-.03, continued)

the classroom of any student engaged in disruptive conduct or conduct violative of the general rules and regulations of the institution. Extended or permanent exclusion from the classroom or further disciplinary action can be effected only through appropriate procedures of the institution.

- (2) Plagiarism, cheating, and other forms of academic dishonesty are prohibited. Students guilty of academic misconduct, either directly or indirectly through participation or assistance, are immediately responsible to the instructor of the class. In addition to other possible disciplinary sanctions which may be imposed through the regular institutional procedures as a result of academic misconduct, the instructor has the authority to assign an F or a zero for the exercise or examination, or to assign an F in the course.
- (3) If the student believes that he or she has been erroneously accused of academic misconduct, and if his or her final grade has been lowered as a result, the student may appeal the case through the appropriate institutional procedures.

**Authority:** T.C.A. §49-8-203. **Administrative History:** Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983.

#### **0240-3-11-.04 DISCIPLINARY SANCTIONS.**

- (1) Upon determination that a student or organization has violated any of the rules, regulations or disciplinary offenses set forth in these Regulations, the following disciplinary sanctions may be imposed, either singly or in combination, by the appropriate institution officials.
- (2) Definition of Sanctions.
  - (a) Restitution. A student who has committed an offense against property may be required to reimburse the institution or other owner for damage to or misappropriation of such property. Any such payment in restitution shall be limited to actual cost of repair or replacement.
  - (b) Warning. The appropriate institutional official may notify the student that continuation or repetition of specified conduct may be cause for other disciplinary action.
  - (c) Reprimand. A written reprimand, or censure, may be given any student or organization whose conduct violates any part of these Regulations. Such a reprimand does not restrict the student in any way, but does have important consequences. It signifies to the student that he or she is in effect being given another chance to conduct himself or herself as a proper member of the institution community, but that any further violation may result in more serious penalties.
  - (d) Restriction. A restriction upon a student's or organization's privileges for a period of time may be imposed. This restriction may include, for example, denial of the right to represent the institution in any way, denial of use of facilities, parking privileges, participation in extracurricular activities or restriction of organizational privileges.
  - (e) Probation. Continued enrollment of a student on probation may be conditioned upon adherence to these Regulations. Any student placed on probation will be notified of such in writing and will also be notified of the terms and length of the probation. Probation may include restrictions upon the extracurricular activities of a student. Any conduct in violation of these Regulations while on probationary status may result in the imposition of a more serious disciplinary sanction.

(Rule 0240-3-11-.04, continued)

- (f) Suspension. If a student is suspended, he or she is separated from the institution for a stated period of time with conditions of readmission stated in the notice of suspension.
  - (g) Expulsion. Expulsion entails a permanent separation from the institution. The imposition of this sanction is a permanent bar to the student's readmission to the institution.
  - (h) Interim or summary suspension. Though as a general rule, the status of a student accused of violations of these Regulations should not be altered until a final determination has been made in regard to the charges against him, summary suspension may be imposed upon a finding by the appropriate institutional official that the continued presence of the accused on campus constitutes an immediate threat to the physical safety and well-being of the accused, or of any other member of the institution community or its guests, destruction of property, or substantial disruption of classroom or other campus activities. In any case of immediate suspension, the student shall be given an opportunity at the time of the decision or immediately thereafter to contest the suspension, and if there are disputed issues of fact or cause and effect, the student shall be provided a hearing on the suspension as soon as possible.
  - (i) Counseling/Rehabilitative Treatment, Counseling sessions with a Jackson State or independent counselor or mandatory participation in, and satisfactory completion of, a drug or alcohol abuse program or rehabilitation program may be recommended.
- (3) The President of the College is authorized, in his or her discretion, to subsequently convert any sanction imposed to a lesser sanction, or to rescind any previous sanction, in appropriate cases.

**Authority:** T.C.A. §49-8-203. **Administrative History:** Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed August 11, 2004; effective December 29, 2004.

#### **0240-3-11-.05 DISCIPLINARY PROCEDURES.**

- (1) The principle of due process in student discipline is assured at Jackson State Community College. Any student accused of a disciplinary offense or academic misconduct will be afforded an opportunity to contest the charge through procedures initiated by and coordinated with the Vice President for Academic Affairs.
- (2) Tennessee Uniform Administrative Procedures Act (TUAPA). All cases which may result in:
  - (i) suspension or expulsion of a student from the institution, a program, or a course for disciplinary reasons;
  - (ii) revocation of registration of a student organization during the term of the registrationare subject to the contested case provisions of the TUAPA and shall be processed in accordance with the Uniform Contested Case Procedures adopted by the Board of Regents unless the student waives those procedures in writing and elects to have his or her case disposed of in accordance with College procedures established by these rules.
- (3) College Procedures.
  - (a) The principle of due process in student discipline is assured at Jackson State Community College. Any student accused of a disciplinary offense or academic misconduct will be afforded an opportunity to contest the charge through procedures initiated by and coordinated with the Vice President for Student Services.

(Rule 0240-3-11-.05, continued)

- (b) Disposition by the Vice President for Student Services. A student may request that the Vice President for Student Services adjudicate the case. If such is made, the following procedures shall apply:
  - 1. The Vice President for Student Services shall advise the student in writing of the alleged charges against him or her and proceed to gather information concerning the case.
  - 2. The investigation of the case shall include interviews with all relevant parties (accused, accuser, and possible witnesses, etc.).
  - 3. The Vice President for Student Services shall review the evidence, make a determination of innocence or guilt, and decide upon a proper disciplinary sanction.
  - 4. The accused student and the Vice President for Student Services shall meet and discuss the Vice President's findings and recommended disciplinary sanction. The findings shall cite specific disciplinary offenses and specific sanctions as described in these rules.
  - 5. The student shall be advised of his or her right to appeal the decision of the Vice President for Student Services to the President of the College.
- (c) Hearing before the Student Disciplinary Committee. A student accused of violating an offense may choose to have the case heard by the Student Disciplinary committee. If such a hearing is initiated, the following procedures shall apply:
  - 1. The Vice President for Student Services shall advise the student in writing of the alleged charges against him or her and initiate an investigation.
  - 2. At the conclusion of the investigation, the accused student shall be informed in writing of the date, time, and place of the hearing not less than ten (10) days prior to the day of the hearing and shall be advised of the following rights:
    - (i) the right to present his or her case;
    - (ii) the right to be accompanied by an advisor;
    - (iii) the right to call witnesses in his or her behalf;
    - (iv) the right to confront witnesses against him or her.
  - 3. The Chairperson of the Student Disciplinary Committee shall preside at the hearing.
  - 4. The Vice President for Student Services shall present the result of the investigation and when appropriate, make a recommendation to the Committee. Witnesses and/or statements from witnesses may be entered as evidence.
  - 5. The accused shall have an opportunity to present his or her case in exercising any of the rights cited above.
  - 6. Members of the Committee shall have an opportunity to ask questions.

(Rule 0240-3-11-.05, continued)

7. After all presentations and examinations of witnesses, the Committee shall retire to discuss the case and render a decision.
8. The decision shall be announced by the presiding officer of the hearing.
9. The student shall be advised of his or her right to appeal the decision of the Student Disciplinary Committee to the President of the College.

(4) Computer Misuse

- (a) The objectives of this policy include: 1) to articulate the rights and responsibilities of persons using information technology resources owned, leased, or administered by the Tennessee Board of Regents (TBR); 2) to protect the interests of users and the TBR; and 3) to facilitate the efficient operation of TBR information technology systems.

(5) Definitions.

- (a) "Information technology resources" or "IT resources" include computers and computer time, data processing or storage functions, computer systems and services, servers, networks, printers and other input/output and connecting devices, and related computer records, programs, software, and documentation.
- (b) "Institutions" shall mean the TBR Universities, Community Colleges, and Technology Centers.
- (c) "Personal or private for-profit use" shall mean a use of TBR information technology resources which has as a primary objective financial gain of the user. Activities by a student which are typical of the student job search process (e.g., use of campus e-mail to contact potential employers or posting of one's resume on the Institution's website, if allowed under Institutional policies and procedures) are not to be considered personal or private for-profit uses.
- (d) "Public record" means all documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings, or other material, regardless of physical form or characteristics made or received pursuant to law or ordinance or in connection with the transaction of official business by any governmental agency. (Tennessee Code Annotated, Title 10, Chapter 7, Section 301(6)).

(6) Supplementary Institutional Policies and Regulations.

- (a) As each Institution may deem necessary and appropriate, TBR Institutions are authorized and encouraged to develop additional Institution-specific policies and regulations relating to the use of information technology resources, provided such policies and regulations are consistent with Federal and State law and with this and other policies of the Tennessee Board of Regents. In particular, Institutions and the TBR Central Office may develop policies and regulations regarding installation of non-standard software (including shareware, freeware, or software developed or purchased by the user) onto TBR IT resources.

(7) Conformance with State Policies.

- (a) This policy is intended to be fully consistent with the State of Tennessee Internet Acceptable Use Policy and the State of Tennessee Electronic Mail Acceptance Use Policy, as they currently exist or as they may be amended in the future, as well as with

(Rule 0240-3-11-.05, continued)

any other applicable policies regarding information technology systems which may be promulgated in the future by the State of Tennessee Department of Finance Office of Information Resources (OIR). To the extent that a discrepancy exists between this policy and State policy, State policy shall take precedence.

(8) Applicability.

- (a) This policy shall apply to all persons and organizations using the information technology facilities and resources owned, leased or administered by the TBR, including all persons employed (either as full-time, part-time or temporary employees or as independent contractors) by the Tennessee Board of Regents and its constituent Institutions, and to all students enrolled at TBR Institutions. Those provisions contained herein which apply solely to employees and independent contractors are so identified individually. Unless so identified, provisions contained herein apply equally to all persons and organizations covered by this policy.

(9) User Responsibilities.

- (a) The following lists of user responsibilities are intended to be illustrative, and not exhaustive. Subject to conformance with Federal and State of Tennessee law and with State of Tennessee and Tennessee Board of Regents policies, individual TBR Institutions are authorized to supplement the user responsibilities contained herein.

(10) Access.

- (a) Users shall obtain proper authorization before using TBR information technology resources.
- (b) Users shall not use TBR information technology resources for purposes beyond those for which they are authorized.
- (c) Users shall not share access privileges (account numbers and passwords) with persons who are not authorized to use them.
- (d) Users shall not use TBR Information technology resources in an attempt to access or to actually access computers external to the TBR system when that access is not authorized by the computer's owner (no "hacking" allowed).

(11) Respect for others.

- (a) A user shall not attempt to obstruct usage or deny access to other users.
- (b) Users shall not transmit or distribute material that would be in violation of existing TBR policies or guidelines using TBR information technology resources.
- (c) Users shall respect the privacy of other users, and specifically shall not read, delete, copy, or modify another user's data, information, files, e-mail or programs (collectively, "electronic files") without the other user's permission. Users should note that there should be no expectation of privacy in electronic files stored on the resident memory of a computer available for general public access, and such files are subject to unannounced deletion.
- (d) Users shall not intentionally introduce any program or data intended to disrupt normal operations (e.g., a computer "virus" or "worm") into TBR information technology resources.



(Rule 0240-3-11-.05, continued)

- (e) Forgery or attempted forgery of e-mail messages is prohibited.
  - (f) Sending or attempts to send unsolicited junk mail or chain letters is prohibited.
  - (g) Flooding or attempts to flood a user's mailbox is prohibited.
- (12) Respect for State-owned Property.
- (a) A user shall not intentionally, recklessly, or negligently misuse, damage or vandalize TBR information technology resources.
  - (b) A user shall not attempt to modify TBR information technology resources without authorization.
  - (c) A user shall not circumvent or attempt to circumvent normal resource limits, logon procedures, or security regulations.
  - (d) A user shall not use TBR information technology resources for purposes other than those for which they were intended or authorized.
  - (e) A user shall not use TBR information technology resources for any private or personal for-profit activity.
  - (f) Except for those not-for-profit business activities which are directly related to an employee's job responsibilities or which are directly related to an organization that is affiliated with the Institution, a user shall not use TBR information technology resources for any not-for-profit business activities, unless authorized by the President or his or her designee.
  - (g) Users shall at all times endeavor to use TBR information technology resources in an efficient and productive manner, and shall specifically avoid excessive game playing, printing excessive copies of documents, files, data, or programs; or attempting to crash or tie-up computer resources.
- (13) Additional Responsibilities of Employees and Independent Contractors.
- (a) Users who are employees and independent contractors shall not make use of TBR information technology resources for purposes which do not conform to the purpose, goals, and mission of the TBR and to the users' job duties and responsibilities.
  - (b) Users shall not use TBR information technology resources for solicitation for religious or political causes.
- (14) No Unlawful Uses Permitted.
- (a) Users shall not engage in unlawful uses of the information technology system resources of the TBR. Unlawful activities are violative of this policy and may also subject persons engaging in these activities to civil and/or criminal penalties. This list of unlawful activities is illustrative and not intended to be exhaustive.
- (15) Obscene Materials.

(Rule 0240-3-11-.05, continued)

- (a) The distribution and display of obscene materials is prohibited by the laws of Tennessee (see Tenn. Code Ann. §39-17-902). Obscene materials are defined under Tennessee law (see Tenn. Code Ann. §39-17-901(19)) as those materials which:

1. The average person applying contemporary community standards would find that the work, taken as a whole, appeals to the prurient interest;
2. The average person applying contemporary community standards would find that the work depicts or describes, in a patently offensive way, sexual conduct; and
3. The work, taken as a whole, lacks serious literary, artistic, political, or scientific value.
4. Federal law (18 U.S.C. §2252) prohibits the distribution across state lines of child pornography.

(16) Defamation.

- (a) Defamation is a civil tort which occurs when one, without privilege, publishes a false or defamatory statement which damages the reputation of another.

(17) Violation of Copyright.

- (a) Federal law gives the holder of copyright five exclusive rights, including the right to exclude others from reproducing the copyrighted work. Sanctions for violation of copyright can be very substantial. Beyond the threat of legally imposed sanctions, violation of copyright is an unethical appropriation of the fruits of another's labor.
- (b) Pursuant to the Digital Millennium Copyright Act of 1998, the TBR designated agent for receipt of complaints of copyright infringement occurring with the use of TBR information technology resources is the TBR Assistant Vice Chancellor for Information Technology. The TBR agent shall develop and maintain a policy regarding receipt and disposition of complaints of copyright infringement. The Institutions are authorized to designate agents to serve their specific campus, however the Assistant Vice Chancellor for Information Technology shall be promptly informed of all complaints received by such Institutional agents.

(18) Gambling.

- (a) Gambling, including that performed with the aid of the Internet, is prohibited under Tennessee state law (see Tenn. Code Ann. §39-17-502).

(19) World Wide Web Home pages.

- (a) The principles of use articulated above are generally applicable to World Wide Web home pages. For example, use of TBR information technology resources to post a web page for personal or private for-profit use; illegal, content in web pages stored on TBR IT resources; and obscene content; incorporation of copyrighted material, without either permission of the copyright holder or under a lawful exemption, all are prohibited.
- (b) In addition to the principles of use outlined above, users may not incorporate into web pages or other electronic documents the trademarks or logos of others without express, written permission. Persons who are not employees of an Institution may not make use of Institutional trademarks or logos without express, written permission.

(Rule 0240-3-11-.05, continued)

Institutions are authorized to develop policies and regulations regarding use of Institutional trademarks on the Institution's website by employees. The Institution Presidents and Directors are authorized to designate persons (e.g., campus webmaster) who may approve a proposed use of the Institution's trademarks and logos by employees on Institutional web pages.

(20) Advertising.

- (a) Use of TBR information technology resources to promote or advertise activities or entities which are not related to the Institution is prohibited, unless such use is consistent with the mission of the Institution and results in substantial benefit to the Institution. The President or Director of each TBR Institution is authorized to determine whether a given use is consistent with the mission of the Institution and results in substantial benefit to the Institution, consistent with other TBR Policies (in particular, TBR Policy 3:02:02:00). Sale of advertising in web-based versions of Institution-affirmed student publications is specifically permitted.

(21) TBR monitoring and inspection of electronic records.

- (a) Electronic records sent, received, or stored on computers owned, leased, or administered by the TBR is the property of the Tennessee Board of Regents. As the property of the TBR, the content of such records, including electronic mail, is subject to inspection by TBR personnel. While the TBR does not routinely do so, the TBR is able and reserves the right to monitor and/or log all network activity of users without notice, including all e-mail and Internet communications. Users should have no reasonable expectation of privacy in the use of these resources.

(22) Disclosure of electronic records.

- (a) Pursuant to the Tennessee Code Annotated, Title 10, Chapter 7, and subject to exemptions contained therein, electronic files (including e-mail correspondence) which are 1) generated or received by TBR employees and 2) either owned or controlled by the State or 3) maintained using TBR IT resources may be subject to public inspection upon request by a citizen of the State of Tennessee. TBR personnel receiving such a request for public inspection should refer the request to the President or Director of their Institution (or to the President's or Director's designee). Institutions may charge reasonable fees for making copies of such records, pursuant to Tenn. Code Ann. §10-7-506.
- (b) While disclosure under Tenn. Code Ann. Title 10, Chapter 7 applies to employees, disclosure of the electronic records of all users which are maintained using TBR IT resources may be made pursuant to a valid subpoena or court order, when otherwise required by federal, state or local law, or when authorized by the President or Director of the Institution.

(23) Retention of electronic records.

- (a) Electronic records needed to support Institutional functions must be retained, managed, and made accessible in record-keeping or filing systems in accordance with established records disposition authorizations approved by the Public Records Commission and in accordance with TBR Guideline G-070, "Disposal of Records." Each employee of the TBR, with the assistance of his or her supervisor as needed, is responsible for ascertaining the disposition requirements for those electronic records in his or her custody. The system administrator is not responsible for meeting the record retention requirements established under Tenn. Code Ann. Title 10, Chapter 7, and the

(Rule 0240-3-11-.05, continued)

TBR, as owner of electronic records stored on TBR computers, reserves the right periodically purge electronic records, including e-mail messages. Users who are either required to retain an electronic record, or who otherwise to maintain an electronic record should either:

1. Print and store a paper copy of the record in the relevant subject matter file; or
2. Electronically store the record on a storage medium or in an electronic storage location not subject to unannounced deletion.

(24) Violation of this policy

(a) Reporting allegations of violations.

1. Persons who have reasons to suspect a violation of this policy, or who have direct knowledge of behavior in violation of this policy should report that allegation of violation to the Institution President or Director or his/her designee.

(25) Disciplinary procedures.

(a) Allegations of violation of this policy shall be referred by the designee of the President (typically, the Computer Center Director) to the appropriate person(s) for disciplinary action. If a student, the policy violation will be referred to the Vice President for Student Services under TBR Policy 3:02:00:01. If an employee, the policy violation will be referred to the immediate supervisor. If there is a policy violation, which the designee believes rises to the level of a serious violation of this or any other TBR policy, the designee is authorized to temporarily revoke access privileges. In those cases, the revocation of access must be reviewed by the appropriate disciplinary authority for review and final determination of access privileges. In such cases, the authorization of the designee carries with it the authorization to make subjective judgments, such as whether material or statements violate TBR Policy.

(26) Sanctions.

(a) Persons violating this policy are subject to revocation or suspension of access privileges to TBR IT resources. Additionally other penalties, as outlined in TBR Policy 3:02:00:01, may be imposed upon student users. Sanctions for violation of this policy by employees may extend to termination of employment. Violations of law may be referred for criminal or civil action.

(27) Appeals.

(a) Sanctions imposed upon students at Jackson State Community College and imposed at the discretion of the Computer Center Director (or other designee of the President) may be appealed to the Vice President for Student Services. Other sanctions may be appealed under established institution procedure.

(28) TBR/TECnet Policy and Procedures for Copyright Infringement notices and the Digital Millennium Copyright Act (DMCA).

(a) The Tennessee Board of Regents and the Tennessee Cooperative Network (TBR/TECnet) take seriously all complaints regarding copyright infringements. Copyright infringements are made when material is copied without the permission of the person holding the copyright and stored on a TBR/TECnet server for the purpose of providing that information to others. Copyright infringement does not occur merely by listing a URL to a server where the copyrighted material resides. See

(Rule 0240-3-11-.05, continued)

<http://lcweb.loc.gov/copyright/> for more information regarding the copyright law. The following procedures will be followed in order to resolve copyright infringement complaints on TBR/TECnet servers.

- (b) For TBR/TECnet to be on notice of the presence of infringing material, the DMCA <http://lcweb.loc.gov/copyright/legislation/dmca.pdf> states that notification must be provided to us with the following information.
  - 1. identification of what is being infringed;
  - 2. where the infringements are located;
  - 3. who is complaining;
  - 4. how he or she may be contacted, including phone number, fax number, and email address;
  - 5. a statement of good faith belief that the material is infringing;
  - 6. a statement made under threat of perjury that the information provided is accurate and the complaint is authorized by the copyright holder;
  - 7. signature of the copyright holder or an authorized representative.
- (29) Initial correspondence may be sent via email to [DMCA@tbr.state.tn.us](mailto:DMCA@tbr.state.tn.us). A letter or fax containing this information and the signature of the copyright holder must be sent to:

Tennessee Board of Regents  
Attn: Information Systems/DMCA  
Suite 358  
1415 Murfreesboro Road  
Nashville, Tennessee 37217  
(615) 366-4443 (615) 366-3979 (fax)
- (30) Upon receipt of this information TBR/TECnet will contact the user who is infringing on the copyright and inform them that they must remove or block access to the infringing material.
- (31) The user may respond with a counter-notice which includes:
  - (a) a statement that the user has a good faith belief that access to the material should not be removed or blocked due to a result of a mistake or misidentification;
  - (b) listing the user's contact information; and
  - (c) consenting to jurisdiction in federal court.
- (32) TBR/TECnet will give this counter-notice to the original complaining party, and allow access to the infringing material within 10-14 days unless we receive notice that a lawsuit has been filed over the material.
- (33) TBR/TECnet users who repeatedly infringe upon copyrights will have their network access terminated and may face other sanctions or discipline as determined by TBR/TECnet institutional policies, the TBR/TECnet Acceptable Use Policy <http://www.tec.net>, and/or the State of Tennessee Acceptable Use Policy <http://www.state.tn.us/finance/oir/int-aup.html>.

(Rule 0240-3-11-.05, continued)

**Authority:** T.C.A. §49-8-203. **Administrative History:** Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed May 18, 1994; effective September 28, 1994. Amendment filed November 26, 1997; effective March 30, 1998. Amendment filed January 11, 2002; effective May 31, 2002. Repeal and new rule 0240-3-11-.05 filed August 11, 2004; effective December 29, 2004. Amendments filed June 28, 2005; effective October 28, 2005. Amendment filed January 16, 2007; effective May 31, 2006. Amendments filed September 20, 2007; effective January 28, 2008.

#### **0240-3-11-.06 TRAFFIC AND PARKING REGULATIONS.**

- (1) Regular faculty and full-time staff members may either pay an annual access fee for parking privileges in restricted parking lots or pay for a reserved parking space. Part-time faculty and staff will be assessed a per semester access fee for parking privileges in restricted parking lots.
- (2) Registration of all motor vehicles should be done during the first week of the first semester of employment or enrollment. Parking decals may be obtained during the semester in the Business Office, located in Room 28 of the Administration Building, between 8:00 a.m. and 4:30 p.m., Monday through Friday, and in the Night Office, Room 104 of the Nelms Classroom Building, between 4:30 and 9:30 p.m. Monday through Thursday.
- (3) Disabled students with a state-issued placard for disabled parking should clearly display the placard when parking in a handicapped space. In addition, a special red Jackson State decal for disabled persons should be displayed. People with disabilities impairing their mobility shall provide documentation of such disability to the Coordinator of Disabled Student Services. Once the mobility impairment is verified, that person will be authorized to obtain a parking decal specific for persons with disabilities from the Business Office or Night Office during regular office hours. Obtaining such decals provides the college with necessary information to better provide for parking needs of our students, staff, and visitors.
- (4) Students, faculty or staff with a temporary disability must have a special handicapped parking permit from the Disabled Student Services to park in a handicapped space.
- (5) No vehicles will be considered officially registered unless a current Jackson State parking decal is displayed facing the rear of the vehicle, either on the bumper or rear window. The decal must be clearly visible.
  - (a) Faculty, staff, or students who trade cars may secure a replacement decal by presenting the number of the original decal. The original decal should be destroyed. All violations against an old decal or previously used decal will be charged to the person to whom it was originally issued.
  - (b) Visitor and temporary parking permits may be obtained from the office of Business Services in the Administration Building, the Night Office in the Nelms Classroom Building, the Assessment Center in the Student Union Building, or the Economic and Community Development office in the McWhorter Center. Temporary permits shall be secured to drive an unregistered vehicle in an emergency situation
  - (c) Each student, faculty, or staff member intending to drive one or more vehicles must register each vehicle. Failure to comply with this regulation may result in disciplinary action.
  - (d) Registration must include name of registrant, student identification number, and license plate number, county and state of plate issue, and year, make, color, and model of car.

(Rule 0240-3-11-.06, continued)

- (e) Changes in license plates must be reported to the office of Business Services within five (5) days of such changes. Failure to do so may be grounds for revocation of parking privileges.
- (f) Illegible and/or damaged decals must be replaced. Failure to replace a damaged decal within five (5) days of notification will result in a ticket. Damaged decals will be replaced at no cost to the student when the scrapping from the old decal is turned into the office of Business Services.
- (g) The acceptance of a parking decal by any person shall constitute the acceptance of the responsibility to ensure that no vehicle owned or registered in his or her name is parked or operated in violation of these regulations.

(6) Parking

- (a) Students should park in parking spaces or areas appropriately designated by signs and/or colored markers. Students are not to park:
  - 1. In reserved spaces painted blue and marked with employee's name.
  - 2. In reserved spaces painted green and marked "employee only."
  - 3. In reserved spaces painted red with signs indicating handicapped parking unless that student displays a special red decal on their vehicles.
  - 4. In reserved spaces marked for visitors.
  - 5. In these prohibited areas: loading zones, sidewalks, campus streets, grassy areas, and within fifteen (15) feet of fire hydrants.
  - 6. Citations for violations must be paid promptly and within the semester issued. Fines may be paid in the office of Business Services. The violator's copy of the citation must be presented at the time of payment.
  - 7. Traffic citations not paid by the last day of final exam week each semester prohibit release of the student violators' grade report and official transcript. The student may not register for the ensuing semester and, in cases where a student has registered early, he/she may be withdrawn from the College.

(b) Violations and Fines

- |   |          |
|---|----------|
| 1. Parking on grass                     | \$ 25.00 |
| 2. Parking in designated employee area  | \$ 50.00 |
| 3. Parked within 15ft of a fire hydrant | \$ 50.00 |
| 4. Parked in loading zone               | \$ 25.00 |
| 5. Double parked                        | \$ 25.00 |
| 6. Parked in reserved employee area     | \$ 50.00 |
| 7. Parked in disabled area              | \$100.00 |
| 8. No parking decal                     | \$ 50.00 |
| 9. Improper parking                     | \$ 25.00 |

(c) Appeals

- 1. If a citation is issued and you believe you have a justifiable reason that may affect the traffic citation, you may appeal to the Vice President for Student

(Rule 0240-3-11-.06, continued)

Services. Appeals must be in writing and received within five (5) working days of the issuance of the citation.

2. All accidents involving injury to persons, equipment, cars, etc., must be reported to the Director of the Physical Plant and Security at ext. 619 between 8:00 a.m. and 4:30 p.m. or the Night Office in Room 104 of the Nelms Classroom Building between 4:30 p.m. and 9:30 p.m. Monday through Thursday or the Security Guard on duty at (731)225-5952 after 4:30 p.m. Friday and throughout the weekend

**Authority:** T.C.A. §49-8-203. **Administrative History:** New rule filed August 28, 1984; effective November 13, 1984. Amendment filed November 3, 1989; effective February 28, 1990. Amendment filed June 11, 1990; effective September 26, 1990. Amendment filed April 23, 1993; effective July 28, 1993. Amendment filed May 18, 1994; effective September 28, 1994. Amendment filed August 8, 1995; effective September 29, 1995. Repeal and new rule 0240-3-11-.06 filed August 11, 2004; effective December 29, 2004. Amendments filed June 28, 2005; effective October 28, 2005. Amendments filed January 16, 2007; effective May 31, 2007.

#### **0240-3-11-.07 REPEALED**

**Authority:** T.C.A. §49-8-203. **Administrative History:** New rule filed August 28, 1984; effective November 13, 1984. Amendment filed November 3, 1989; effective February 28, 1990. Rule Repealed January 16, 2007; effective May 31, 2007.